

Message Text

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71/72

ACTION DLOS-06

INFO OCT-01 EUR-25 ISO-00 IO-14 OIC-04 EB-11 COA-02 JUSE-00

INT-08 COME-00 DOTE-00 NSF-04 OMB-01 TRSE-00 FEA-02

AGR-20 ACDA-19 AEC-11 FMC-04 CG-00 EPA-04 SWF-02

SCI-06 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00

NSC-07 PA-04 RSC-01 PRS-01 SPC-03 SS-20 USIA-15 AF-10

ARA-16 EA-11 NEA-10 DRC-01 /266 W
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R 271735Z MAR 74

FM USMISSION EC BRUSSELS

TO SECSTATE WASHDC 6625

INFO AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY COPENHAGEN

AMEMBASSY DUBLIN

AMEMBASSY LONDON

AMEMBASSY LUXEMBOURG

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY THE HAGUE

USMISSION NATO BRUSSELS

OECD PARIS

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C O R R R C T E D C O P Y (CLASSIFICATION CHANGED)

E.O. 11652: N/A

TAGS: PBOR, EEC

SUBJECT: LAW OF THE SEA: COMMISSION PROPOSALS FOR EC POSITION

REF: A) STATE 38170; B) STATE A-2196

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1. THE COMMISSION OF THE EUROPEAN COMMUNITIES (EC) APPROVED AND

FORWARDED TO THE EC COUNCIL OF MINISTERS ON MARCH 20 A PAPER WITH COMMISSION PROPOSALS ON THE POSITION THE COMMUNITY SHOULD TAKE AT THE CARACAS CONFERENCE ON LAW OF THE SEA. COPIES OF THE PAPER WILL BE FORWARDED BY POUCH TO THE DEPARTMENT FOR THE ATTENTION OF D/LOS AND EUR/RPE. ON MARCH 27 MICHAEL HARDY OF THE LEGAL SERVICE OF THE COMMISSION GAVE US THE FOLLOWING BRIEF EXPLANATION OF THE COMMISSION'S PAPER.

2. HARDY POINTED OUT THAT THE PREPARATION OF THE PAPER HAD BEEN RATHER DIFFICULT BECAUSE THE INTERESTS OF ALMOST ALL DIRECTORATES GENERAL OF THE COMMISSION WERE INVOLVED. (HE MENTIONED PARTICULARLY THE EXTERNAL AFFAIRS, ENERGY AND AGRICULTURE DIRECTORATES GENERAL AND THE DEPARTMENT OF THE ENVIRONMENT.) BECAUSE OF THE VARIOUS INTERESTS INVOLVED THE THE DIFFERENT AUDIENCES TO WHOM THE PAPER IS ADDRESSED (RANGING FROM PEOPLE LIKE HIMSELF WHO HAVE BEEN DEALING WITH LOS QUESTIONS FOR SOME YEARS TO MINISTERS WHO PROBABLY WILL HAVE ONLY A SUPERFICIAL KNOWLEDGE OF THE ISSUES INVOLVED), THE PAPER TAKES A PRAGMATIC RATHER THAN A LEGALISTIC APPROACH TO LOS ISSUES. HARDY CHARACTERIZED THE COMMISSION'S APPROACH AS "FIRST WE START, THEN WE SEE," AND SAID THE COMMISSION IS PROPOSING, IN EFFECT, THAT THE COMMUNITY GO TO THE CARACAS CONFERENCE WITH AN "OPEN POSITION." AFTER THE CONFERENCE, HARDY SAYS THE EC SHOULD ADJUST ITS POSITION AND EXAMINE WHAT EFFECT THE RESULTS OF THAT CONFERENCE WILL HAVE ON OTHER COMMUNITY ACTIVITIES, SUCH AS REGIONAL, ENERGY AND FISHERIES POLICIES, IN ORDER TO DETERMINE WHAT CHANGES ARE NECESSARY IN THE COMMUNITY'S POSITION.

3. HARDY DESCRIBED THE COMMISSION'S PROPOSALS AS BEING GENERALLY CLOSE TO US POSITIONS. FOR EXAMPLE, THE COMMISSION PROPOSES THAT THE EC POSITION INCLUDE RECOGNITION OF THE 12-MILE TERRITORIAL SEA, A 200- MILE ECONOMIC ZONE, AND AN INTERNATIONAL AUTHORITY TO SUPERVISE EXPLOITATION OF THE SEABEDS. THE PAPER ALSO PROPOSES A COMMUNITY POSITION IN FAVOR OF PROTECTION OF MARINE ENVIRONMENT AND FREEDOM OF NAVIGATION. REGARDING FISHING, THE PAPER PROPOSES PREFERENTIAL RATHER THAN EXCLUSIVE RIGHTS FOR COASTAL STATES IN THE 200-MILE ECONOMIC ZONE AND STRENGTHENING OF INTERNATIONAL FISHERY COMMISSIONS.

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4. REGARDING THE ROLE OF THE COMMUNITY AT THE CARACAS CONFERENCE, THE COMMISSION PROPOSES THAT MEMBER STATES ACT IN A COORDINATED FASHION AND THAT THE COMMISSION BE PRESENT AS AB OBSERVER AND TO ASSIST IN COORDINATING COMMUNITY POSITIONS. IN KEEPING WITH THE PRAGMATIC APPROACH OF ITS PROPOSALS, HARDY SAID THE COMMISSION'S POSITION IS THAT HOW CLOSELY THE NINE COORDINATE THEIR POSITIONS AND HOW FORCEFULLY THE COMMUNITY WILL PUSH FOR THE ACTIVE PARTICIPATION OF THE COMMISSION IN LOS MEETINGS

IN THE FUTURE WILL DEPEND UPON DEVELOPMENTS AT CARACAS. HE ADDED THAT IT IS THE COMMISSION'S VIEW THAT THE COMMUNITY AS SUCH SHOULD BE A PARTY TO ANY FUTURE LOS CONVENTION BECAUSE SOME OF THE QUESTIONS WHICH WOULD BE INCLUDED IN ANY SUCH CONVENTION WILL UNDOUBTEDLY FALL UNDER THE COMMUNITY'S JURISDICTION.

5. REGARDING THE SCHEDULE FOR CONSIDERING THE COMMISSION'S PROPOSALS HARDY SAID THAT THE COMMITTEE OF PERMANENT REPRESENTATIVES WILL BEGIN ITS CONSIDERATION OF THE PROPOSALS ON MARCH 27. BECAUSE OF THE BROAD SPECTRUM OF INTERESTS INVOLVED, THE PROPOSALS WILL PROBABLY NOT BE REFERRED TO ANY OF THE EXISTING WORKING GROUPS UNDER THE PERM REPS; A SPECIAL GROUP WILL PROBABLY BE ESTABLISHED AND ITS MEETINGS WILL BE ATTENDED BY EXPERTS FROM CAPITALS. TENTATIVE PLANS ARE THAT THE PERM REPS SHOULD COMPLETE THEIR CONSIDERATION OF THE PROPOSALS AND FORWARD THEM FOR CONSIDERATION POSSIBLY AT THE JUNE 4 EC COUNCIL (FOREIGN MINISTERS) MEETING, IN VIEW OF THE BEGINNING OF THE CARACAS CONFERENCE ON JUNE 20. GREENWALD

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, LAW, MEETINGS, INTERNATIONAL LAW MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 27 MAR 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974ECBRU01847
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740068-0523
From: EC BRUSSELS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740312/aaaaaktl.tel
Line Count: 134
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION DLOS
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: A) STATE 38170; B) STATE A-2196
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 01 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01 APR 2002 by collinp0>; APPROVED <05 JUN 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LAW OF THE SEA: COMMISSION PROPOSALS FOR EC POSITION
TAGS: PBOR, XX, EEC
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005